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UNITED STATES PATENT AND TRADEMARK OFFICE
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PILLSBURY WINTHROP LLP
2475 HANOVER STREET
PALO ALTO, CA 94304-1114

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OFFICE OF PETITIONS

In re Application of :
Oron, et al. :
Application No. 10/767,218 : ON PETITION
Filing Date: January 28, 2004 :
Docket No.: 009584-0307530 :

This decision is in response to the renewed petition filed August 26, 2004 requesting that the above-identified application be accorded a filing date of January 28, 2004. This petition is being treated under 37 CFR 1.10(c) as a petition to accord the above-identified application a filing date of January 28, 2004. This petition is also being treated under 37 CFR 1.26 as a request for refund of duplicate petition fee.

DECISION UNDER 37 CFR 1.10(c)

Petitioners continue to allege that the application was deposited in USPS Express Mail service on January 28, 2004. The renewed petition is accompanied by supporting evidence. Petitioners have provided a copy of the customer copy of the USPS Express Mail Label bearing tracking number EV342415545US (the same Express Mail number found on the application transmittal letter accompanying the original application papers located in the official file). The label bears a USPS postage mark of January 28, 2004.

In view of the above, the petition under 37 CFR 1.10(c) to accord the above-identified application a filing date of January 28, 2004 is hereby **GRANTED**.

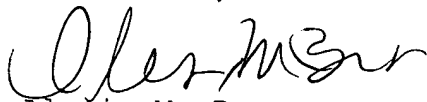
DECISION UNDER 37 CFR 1.26

In accordance with 37 CFR 1.26, the Director may refund any fee paid by mistake or in excess of that required. Review of Office finance records reveals that petitioners were charged twice for the instant petition. Accordingly, a refund is in order.

Moreover, as petitioners have established to the satisfaction of the Director that the application papers were in fact deposited in USPS Express Mail service on January 28, 2004, no petition fee is due in regard to this matter. Thus, a refund of \$260.00 to deposit account No. 50-2213 has been requested on petitioners behalf.

The request for refund is hereby GRANTED.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310. Telephone inquiries after September 27, 2004 should be directed to the undersigned at (571) 272-3205.

A handwritten signature in cursive script, appearing to read 'Alesia M. Brown'.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions